

AO 91 (Rev. 08/09) Criminal Complaint

United States District Court
Southern District of Texas
FILED

SEALED

UNITED STATES DISTRICT COURT

for the

Southern District of Texas

NOV 03 2016

Clerk of Court

United States of America
v.
Eduardo BAZAN; US; YOB: 1968

Case No. M-16-2034-M

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of October 31, 2016 in the county of Hidalgo in the
Southern District of Texas, the defendant(s) violated:

Code Section
18 USC 1001

Offense Description
knowingly and willfully makes any materially false, fictitious, or fraudulent
statement or representation

This criminal complaint is based on these facts:

See ATTACHMENT A

☒ Continued on the attached sheet.

approved by
H.S. [Signature]

[Signature]

Complainant's signature

Antonio Perez, HSI Special Agent
Printed name and title

Sworn to before me and signed in my presence.

Date: 11/03/2016

[Signature]

Judge's signature

City and state: McAllen, Texas

Guillermo R. Garcia, United States Magistrate Judge
Printed name and title

In October of 2013, U.S. Immigration and Customs Enforcement (ICE), Homeland Security Investigations (HSI) in McAllen, Texas received information from an HSI confidential informant (CI) regarding a drug trafficking organization (DTO) operating in the Rio Grande Valley area. The CI identified members of a DTO which were responsible for re-distributing narcotics that the organization had stolen from various sources of supply. The CI advised that the DTO coordinated staged narcotic seizures of sham, or diluted, narcotics with the assistance of law enforcement officials which enabled the organization to steal drug loads from unwitting narcotics sources of supply. The DTO would then re-distribute the real cocaine for a profit.

Through witness and cooperating defendant interviews, HSI agents identified that one of these cocaine seizures occurred near the McAllen Border Patrol station with the assistance of U.S. Customs and Border Protection, Office of Border Patrol, Patrol Agent Eduardo BAZAN.

On October 31, 2016, HSI McAllen special agents conducted a consensual interview with BAZAN concerning that seizure. During this interview, BAZAN recalled seizing a cocaine load on his return from the field to the McAllen Border Station. During the aforementioned incident BAZAN observed suspicious activity near 27th or 28th Street in McAllen, Texas. BAZAN claimed he approached the area in his patrol vehicle and observed suspects running from the scene. BAZAN utilized his service radio to request agents respond to the scene. BAZAN claimed he chased a suspect but was unable to apprehend the individual. BAZAN returned to the scene and discovered agents had discovered bundles of cocaine in the vehicle. BAZAN denied receiving the information from another individual tipping him off to the location of the load vehicle. BAZAN later recanted his statement and admitted he received a call from an individual who provided the details on the aforementioned vehicle with narcotics. BAZAN stated that he instructed this individual to contact local police agencies to report the information. BAZAN claimed he never received any type of payment for seizing narcotics based on this individual's information.

On October 31, 2016, HSI McAllen special agents conducted an interagency database search and obtained the report detailing the aforementioned seizure. The report indicated that on February 18, 2007, BAZAN seized 66 kilograms of cocaine near 28th Street in McAllen, Texas. The report, written by BAZAN, indicated that BAZAN followed a Honda Civic for approximately 50 yards before the occupants abandoned the vehicle.

On November 1, 2016, HSI McAllen special agents conducted a consensual interview with BAZAN concerning the interview conducted on October 31, 2016. BAZAN admitted that he had lied to agents on October 31, 2016, and that BAZAN had in fact received information from an individual that led to the seizure of 66 kilograms of cocaine seized on February 18, 2007. BAZAN admitted that he lied about suspects being present at the scene and that in fact the vehicle was abandoned. BAZAN stated that he had run from the scene to make other agents believe the vehicle had been occupied. BAZAN further admitted that he had received a payment of approximately \$8,000.00 dollars for assisting the DTO with the staged seizure.